

1 JUROR: Yes.

2 THE COURT: Thank you.

3 THE COURT: I will ask Mr. Pichini or Mr.
4 Doss if you would introduce your Special Agent who
5 is assisting you and also identify by name and if
6 present, have stand any law enforcement officers who
7 may be called in this matter.

8 MR. PICHINI: With the Court's permission
9 and ladies and gentlemen of the defense. To my left
10 is Warren Griggs, he is an FBI agent, he will be
11 assisting the prosecution team in this case.

12 With the Court's permission, I'll read a
13 list of FBI agents and at least one witness, FBI
14 Agent James Sweeney, these are agents and police
15 officers that the government may call in the course
16 of the trial.

17 Special Agent Timothy Turck, Special Agent
18 Richard Macko, Special Agent Robert Norton, Special
19 Agent Joseph Stone, Special Agent James Williamson,
20 there is also one civilian witness that I will ask
21 if you know the name, if you know the person, Wayne
22 Caldwell.

23 The following is a list of Philadelphia
24 Police Officers that the government may call at
25 trial. Detective Lamott Wesson, Detective Paul

1 Worrel, Detective John Rossiter, Detective Kenneth
2 Curcio, Detective Michael Cohen, Detective Howard
3 Gelfand and Officer Ernest Bottomer, Officer James
4 Bushman, Officer Michael Banach and Officer Frank
5 Harvey.

6 THE COURT: Very well, thank you.

7 Are there any other persons who counsel
8 would believe should be identified as potential
9 witnesses?

10 MR. ROGERS: From either side, your Honor?

11 THE COURT: Sure.

12 MR. ROGERS: May I have a moment, sir?

13 (Pause.)

14 MR. ROGERS: May I, your Honor?

15 THE COURT: Yes, you may.

16 MR. ROGERS: Ladies and gentlemen, there
17 are possible witnesses that I have on this list,
18 they may or may not testify on behalf of the
19 defendant, Termaine Jackson.

20 Rev. Peter J. E. Harris. Warren Stewart
21 Bennett, Dr. Robert Cataman, Jose Castro, Craig
22 Jackson or Eric Johnson, I believe they are the same
23 person. Dr. Andrew Levette.

24 THE COURT: Very good.

25 Miss Lefeber, do you have anyone?

1 MISS LEFEBER: Not at this time, your
2 Honor.

3 THE COURT: Ladies and gentlemen, you have
4 heard names read to you by the attorney for the
5 government and the attorney for Mr. Jackson and I
6 would ask whether any member of the panel recognizes
7 the name of any potential witness in this case, if
8 so, would you kindly raise your hand?

9 There are no hands and the answer is
10 recorded as no.

11 Now, the incident that has formed a basis
12 for the indictment return in this matter involve a
13 car stop, gun fire, several individuals struck by
14 gun fire at -- two identified as FBI agents. One
15 who is now deceased, alleged to have been an
16 occupant of a car that was stopped, it occurred
17 during the day time on March 16th, 1994. And, at
18 the time was the subject of news articles, some
19 television and radio reports and perhaps other media
20 publicity.

21 I ask whether any of you recall hearing or
22 reading or seeing anything at all about this
23 incident? If so, would you raise your hand.

24 There are quite a few hands now.

25 I will start on the first row and only ask

1 you to identify yourself with your name and number
2 as to what it is that you heard or read or saw. I
3 will ask you that later on. I do not want you to
4 tell me what it is.

5 Can you kindly tell me your number.

6 JUROR: 77, Mary Donahue.

7 THE COURT: Thank you, Miss Donahue.

8 On the second row, I think I saw several
9 hands. Starting with the gentleman seated fifth in,
10 yes.

11 JUROR: Elwood Watson, 325.

12 THE COURT: Thank you, Mr. Watson.

13 The gentlemen immediately in front of me.

14 JUROR: 157, Frederick Keeler.

15 THE COURT: Thank you, sir. Yes, sir.

16 JUROR: Number 41, Gerald Carey.

17 THE COURT: All right, thank you, sir.

18 Yes, sir.

19 JUROR: 126, James Hammerman.

20 THE COURT: Thank you, Mr. Hammerman.

21 Anyone else on the second row?

22 JUROR: 311, Robert Sunshine.

23 THE COURT: Anyone else in the second row?

24 The third row, the gentleman seated first?

25 JUROR: 114, Gerard Golin.

1 THE COURT: All right. Thank you, Mr.
2 Golin.

3 Anyone else? Yes, sir.

4 JUROR: 357, Dale Conicella.

5 THE COURT: Okay.

6 Anyone else?

7 JUROR: 272, Sandra Schaeffer.

8 THE COURT: Thank you, Miss Schaeffer.

9 Any other member of the panel who recalls
10 anything about this incident or reading or hearing
11 anything about it?

12 We will call on you a little later to find
13 out in greater detail what it is that you recall
14 about the incident.

15 There's a delicatessen at 15th and Bristol,
16 Whitfield's.

17 Has any member of the panel ever been to
18 Whitfield's or know anything about Whitfield's?

19 THE COURT: There are no hands and the
20 answer is recorded as no.

21 If you have ever served on a jury in any
22 court, would you kindly raise your hand.

23 THE COURT: Okay, quite a few.

24 All right and I will start on the first
25 row, sir, and ask you, the gentleman seated 7th.

1 JUROR: 185, Stanley Macielag.

2 THE COURT: May I ask you, sir, when you
3 served on the jury?

4 JUROR: Mid '70s.

5 THE COURT: Was that in a federal court or
6 a state court.?

7 JUROR: State, Delaware County.

8 THE COURT: Was it in a criminal or a civil
9 trial.

10 JUROR: Criminal.

11 THE COURT: Without telling me what verdict
12 the jury reached, did you reach a verdict?

13 JUROR: Yes, we did.

14 THE COURT: Now, whenever you served, you
15 became somewhat familiar with courtroom procedures
16 and the instructions of the court, and the facts of
17 the particular case upon which you served as a
18 juror.

19 In this case, we would ask you to consider
20 only the evidence presented in this case and
21 regardless of what you may have learned as to the
22 law in another case, that you decide this case
23 solely on the law as I instruct you.

24 If you were called upon to serve on this
25 jury, do you believe that you could decide this case

1 only on the law, as I instruct you and on the
2 evidence in this case?

3 JUROR: Yes.

4 THE COURT: Thank you, sir.

5 Yes, ma'am.

6 JUROR: Number 32, Anna Bunalo.

7 THE COURT: When did you serve on a jury?

8 JUROR: In the '80s.

9 THE COURT: Was that in federal court or in
10 state court?

11 JUROR: In Philadelphia.

12 THE COURT: Was it a civil case or a
13 criminal case?

14 JUROR: I was on both.

15 THE COURT: Did you reach verdicts on both
16 cases?

17 JUROR: Yes, we did.

18 THE COURT: So that you have in terms of
19 any type of jury experience, you have two
20 experiences, one in a civil case and one in a
21 criminal case?

22 JUROR: Yes.

23 THE COURT: Would you be able to decide
24 this case, solely on the evidence presented here and
25 my instructions to you, putting aside anything that

1 you may have learned as to the law, any other case?

2 JUROR: Yes.

3 THE COURT: Thank you.

4 JUROR: Patricia Branch, 27.

5 THE COURT: Miss Branch, can you tell us
6 when you served on a jury?

7 JUROR: In '90.

8 THE COURT: Was it in state court?

9 JUROR: State.

10 THE COURT: Have you had more than one
11 experience as a juror?

12 JUROR: No.

13 THE COURT: In that state court case, was
14 that a criminal or a civil case?

15 JUROR: Civil.

16 THE COURT: Did you reach a verdict?

17 JUROR: They settled out of court.

18 THE COURT: So you did not have the judge
19 charge you or instruct you as to the law in that
20 case, but in any event if you were called upon to
21 serve in this case, would you be able to decide this
22 case solely on the law presented in this case, as I
23 instruct you and the evidence presented in this
24 case?

25 JUROR: Yes.

1 THE COURT: Very well, thank you.

2 THE COURT: Yes, ma'am.

3 JUROR: Juror 141, my name is Roswitha
4 Hoenisch. I served in Doylestown, in Bucks County.
5 And we did come to a verdict. It was a civil case.

6 THE COURT: Is that your only experience as
7 a juror?

8 JUROR: Yes.

9 THE COURT: About when was that, do you
10 know?

11 JUROR: That was in December of '93, just
12 this past December.

13 THE COURT: If you are called upon to serve
14 on this jury, do you believe that you could decide
15 this case solely on the evidence presented here and
16 my instructions to you.

17 JUROR: Unfortunately, I'm getting to form
18 an opinion already.

19 I don't think I can be partial or impartial
20 rather.

21 THE COURT: All right. I noted that and we
22 may have occasion to talk to you later. Yes.

23 JUROR: Juror number 104, Jo Lund Galligan.

24 THE COURT: Miss Galligan.

25 THE COURT: When did you serve on a jury?

1 JUROR: In approximately 1990, in
2 Allentown.

3 THE COURT: Federal case or a civil or
4 criminal?

5 JUROR: Criminal.

6 THE COURT: Federal or state I meant to ask
7 you?

8 JUROR: I'm not sure.

9 THE COURT: But, it was a criminal case?

10 JUROR: Yes, it was.

11 THE COURT: Did you reach a verdict?.

12 JUROR: I'm not sure about that either, I
13 wasn't there.

14 THE COURT: You served but did not complete
15 your service, is that correct?

16 JUROR: That is correct.

17 THE COURT: You were excused prior to the
18 trial; did you hear some evidence in the case.

19 JUROR: Yes.

20 THE COURT: In any event, whatever it is
21 that you learned in that case, would you be able to
22 decide this case solely on the evidence presented
23 here and my instructions to you?

24 JUROR: I believe so.

25 THE COURT: Thank you.

1 JUROR: 77, Mary Donahue. I served in the
2 Philadelphia Court, whatever that was, it was a
3 criminal case, two criminal cases in the '70s and
4 they both had a verdict. Then later, probably in
5 '90, I may have served again in a civil suit that
6 was settled out of court.

7 THE COURT: You had two criminal cases
8 which reached verdict, one civil case, which settled
9 out of court and I would ask you the question, I
10 have been asking other jurors, notwithstanding your
11 experience as a juror, if you were called upon to
12 serve in this case, could you decide this case on
13 the evidence presented and my instructions to you?

14 JUROR: Yes.

15 THE COURT: Thank you.

16 The second row.

17 JUROR: William Carson, number 44. I served
18 on a criminal case in 1979, in Morristown, New
19 Jersey, in the state court.

20 THE COURT: Did you reach a verdict in that
21 case?

22 JUROR: We did.

23 THE COURT: Notwithstanding your prior
24 experience as a juror in a case, if you are called
25 upon to serve in this case, do you believe you will

1 be able to decide this case solely on the evidence
2 presented here and my instructions to you?

3 JUROR: Yes.

4 JUROR: Number 29, Joe Brooks.

5 THE COURT: Mr. Brooks, where, when and
6 where did you serve?

7 JUROR: In 1990, in Montgomery County, in
8 Norristown. A criminal case and it was a hung jury.

9 THE COURT: If you are called upon to serve
10 in this case, do you believe you can do that and
11 decide this case solely on the evidence presented
12 here and my instructions to you?

13 JUROR: Yes, sir.

14 THE COURT: Thank you.

15 Any others on the second row?

16 JUROR: Number 34, Vince Busavage.

17 THE COURT: Mr. Busavage, when did you
18 serve?

19 JUROR: In 1990, in Allentown. It was
20 civil.

21 THE COURT: Did you reach a verdict?

22 JUROR: I wasn't there. I was the
23 alternate juror.

24 THE COURT: Do you believe that
25 notwithstanding whatever experience you had in that

1 case, that you could decide this case solely on the
2 evidence presented here and the law as I instruct
3 you?

4 JUROR: Yes.

5 THE COURT: The next row, yes.

6 JUROR: Number 114, Gerald Golin.

7 THE COURT: Mr. Golin, when and where did
8 you serve?

9 JUROR: On two juries, the first one in
10 1989. The second one in 1992. They were both
11 state. They were both criminal and we reached
12 verdicts in both of them.

13 THE COURT: If called upon to serve on this
14 jury, could you decide this case solely on the
15 evidence presented here and my instructions to you?

16 JUROR: Yes, sir.

17 THE COURT: Thank you.

18 Any others?

19 JUROR: 272, Sandra Schaeffer.

20 THE COURT: Pardon me, what is your --
21 okay I have it.

22 JUROR: 272.

23 THE COURT: Yes. When did you serve, Miss
24 Schaeffer?

25 JUROR: I think it was in '74.

1 THE COURT: In what court?

2 JUROR: Allentown, in state court, and it
3 was a criminal case.

4 THE COURT: Did you reach a verdict?

5 JUROR: Yes.

6 THE COURT: If called upon to serve in this
7 case, do you believe you could decide this case
8 solely on the evidence presented here and my
9 instructions to you?

10 JUROR: Yes, sir.

11 THE COURT: Thank you.

12 Any other member of the panel who has
13 served on a jury?

14 Has any member of this panel personally
15 been the victim of a crime, if so, would you raise
16 your hand?

17 I will go to the second row immediately in
18 front of me. Yes.

19 JUROR: Number 157, Fred Keeler.

20 THE COURT: All right. May I ask when you
21 had this experience and without going into detail,
22 just what.

23 JUROR: It was January 15th of this year.
24 It was an assault.

25 THE COURT: By someone you knew or had a

1 personal relationship or by a stranger?

2 JUROR: Strangers.

3 THE COURT: Was anyone ever apprehended?

4 JUROR: No.

5 THE COURT: You have not had any experience
6 in court on that case?

7 JUROR: No.

8 THE COURT: Would the fact that you have
9 been the victim of this conduct by others, have any
10 affect upon you whatsoever, if you were called upon
11 to serve in this case?

12 JUROR: Yes.

13 THE COURT: Okay, we will probably inquire
14 of you later. Okay.

15 Any other juror personally the victim of a
16 crime? I think I see a juror four seats from the
17 end on the second row, yes.

18 JUROR: Yes, your Honor, in the late '70s,
19 I was robbed at gunpoint.

20 THE COURT: What is your name and number?

21 JUROR: I'm sorry, 311. My name is Robert
22 Sunshine.

23 THE COURT: Was anyone apprehended as a
24 result of that?

25 JUROR: No.

1 THE COURT: You had never gone to court on
2 that case?

3 JUROR: No, your Honor.

4 THE COURT: Would the fact that you had
5 this experience impact you in any way, if you were
6 called upon to serve on this jury?

7 JUROR: That experience would not. I would
8 have other concerns, due to my profession, but that
9 particular experience itself would not be a factor.

10 THE COURT: And, you are a center director
11 for the Pennsylvania Department of Correction?

12 JUROR: Yes, your Honor.

13 THE COURT: It is that experience may
14 have?

15 JUROR: I work with the police department
16 as well as occasionally the FBI.

17 THE COURT: All right. Thank you. If that
18 question comes up in another context, when you hear
19 it again, we already have your answer.

20 Victim of crime, any other juror?

21 JUROR: Number 34, Vince Busavage. I had
22 my car broken into twice.

23 THE COURT: Pardon me?

24 JUROR: My car was broken into twice. I
25 don't know if it is in that class, last year. And

1 about three years ago, a stereo was stolen and the
2 car, you know, was vandalized.

3 THE COURT: Anyone ever apprehended?

4 JUROR: No.

5 THE COURT: If you were called upon to
6 serve on this jury, could you put that aside and
7 decide this case solely on the evidence presented
8 here and my instructions to you?

9 JUROR: Yes.

10 THE COURT: You could. Thank you.

11 THE COURT: Yes, ma'am.

12 JUROR: Your Honor I didn't understand a
13 victim of a crime meant other than assault, if you
14 meant your property was -- your house broken into,
15 is that what you call a crime?

16 THE COURT: That type of experience that
17 you had, which you would think would be a police
18 matter?

19 JUROR: I was robbed. I don't know.

20 THE COURT: That's criminal.

21 What is your name and number?

22 JUROR: Eleanor Tarbox, 313.

23 THE COURT: When were you robbed, Miss
24 Tarbox?

25 JUROR: About ten years ago.

1 THE COURT: Anyone ever apprehended?

2 JUROR: No.

3 THE COURT: On that, we have a perfect
4 record so far.

5 Well, that experience that you had, do you
6 think you would be the appropriate person to decide
7 the guilt or innocence of the defendants in a
8 criminal case?

9 JUROR: I would think it would be a
10 separate issue not related at all.

11 THE COURT: Not related at all. So you
12 don't think it would have any impact?

13 JUROR: I don't think so, your Honor.

14 THE COURT: Thank you.

15 Yes.

16 JUROR: A car stolen.

17 THE COURT: Your number?

18 JUROR: 126, James Hammerman.

19 THE COURT: Anyone ever apprehended?

20 JUROR: In the house break-in, there were a
21 number in the area. Yes, an individual was
22 apprehended.

23 THE COURT: May I ask whether you were ever
24 called to go to court on that matter?

25 JUROR: I was not.

1 THE COURT: Did you have contact with law
2 enforcement officials in regard to it?

3 JUROR: Yes.

4 THE COURT: Do you know of anything about
5 that incident that you believe would make it
6 inappropriate for you to serve on a jury?

7 JUROR: I don't think so.

8 THE COURT: Do you think you could decide
9 this case solely on the evidence here, presented in
10 open court and my instructions to you?

11 JUROR: I think I could.

12 THE COURT: Thank you.

13 THE COURT: The second row. We are going
14 to the third row. I see the juror seated number 40,
15 I guess.

16 JUROR: 264.

17 THE COURT: She is number 39.

18 JUROR: 264, I was robbed at gunpoint when
19 I was about 15.

20 THE COURT: Was an arrest ever made in that
21 case?

22 JUROR: No.

23 THE COURT: Considering that experience, do
24 you believe if called upon to serve on this jury,
25 you can put it aside and decide this case only on

1 the evidence presented here and my instructions to
2 you?

3 JUROR: I don't know.

4 THE COURT: Thank you.

5 THE COURT: Now I have asked about the
6 panel members being victims of crime. All of us, of
7 course, I should not say that. I'll strike that.

8 Sometimes even though a person is not
9 personally the victim of a crime, someone else is
10 the victim of a crime and that person is so close to
11 you, either because of relationship or friendship,
12 that it has some impact on you and it has an affect
13 upon you.

14 Any member of this panel know of any
15 incident involving a relative or friend who was
16 involved in a crime, which would in any way affect
17 you, if you were called upon to serve on this jury?
18 If so, would you raise your hand.

19 There are no hands and the answer is
20 recorded as no.

21 Has any member of this panel ever been
22 called as a witness either for the prosecution or
23 for the defense in a criminal matter? If so, would
24 you raise your hands.

25 I see several hands. We will explore that,

1 starting with the person seated first on the second
2 row.

3 JUROR: Deanne Stewart, 308.

4 THE COURT: Miss Stewart, you have been a
5 witness?

6 JUROR: Yes. I'm still going to court.

7 THE COURT: Were you called by the
8 prosecution or by the person charged with the
9 crime?

10 JUROR: I was called by the prosecution.

11 THE COURT: Pardon me?

12 JUROR: The prosecution.

13 THE COURT: Did you have occasion to
14 testify?

15 JUROR: Excuse me?

16 THE COURT: Did you actually testify?

17 JUROR: No.

18 THE COURT: Was there anything about that
19 experience of being a participant in a trial, that
20 would affect you if you were called upon to serve on
21 this jury?

22 Do you think you could decide this case
23 solely on the evidence presented here and my
24 instructions to you?

25 JUROR: Yes, sir.

1 THE COURT: Thank you.

2 THE COURT: Still working, I guess the
3 second row, any others on the second row?

4 Yes, is your hand up, sir?

5 JUROR: Yes, your Honor, 311. I had an
6 opportunity to testify in state court or with the
7 Commonwealth concerning the status of an escape of
8 Department of Correction inmates.

9 THE COURT: All right. Thank you, sir.
10 Next.

11 JUROR: 178, James Livezey.

12 THE COURT: You have appeared as a
13 witness?

14 JUROR: Yes. I never testified.

15 THE COURT: You never testified?

16 Were you called by the defense or the
17 prosecution?

18 JUROR: By the prosecution.

19 THE COURT: Is there anything at all about
20 that experience, which would have any effect upon
21 you, if you were called upon to, if you were called
22 upon as a juror in this case?

23 JUROR: No.

24 JUROR: Number 80, Frank Du Bree. I was a
25 policeman about 25 years ago, when I was involved in

1 a killing at Eleventh and Market Street, but I never
2 had to testify in court because the person who did
3 the killing was killed by state police, a couple of
4 days later, upstate somewhere in a holdup. I never
5 testified in court.

6 THE COURT: Would your experience in that
7 situation, have any impact upon you, if you were
8 called upon to serve in this case?

9 JUROR: No.

10 THE COURT: Thank you.

11 JUROR: 357, Dale Conicella. 1989. I
12 worked for a transportation company in that general
13 area. I followed a couple of guys that stole stuff
14 off the dock and I was called by the prosecution to
15 testify.

16 THE COURT: Did you testify?

17 JUROR: Yes.

18 THE COURT: Was there anything about that
19 proceeding, the manner in which you were treated on
20 direct or cross-examination which would have any
21 impact upon you, if you were called upon to serve?

22 JUROR: No.

23 THE COURT: Your answer is no?

24 JUROR: No.

25 THE COURT: Thank you.

1 Ladies and gentlemen as you know --

2 MR. PICHINI: I think there is someone in
3 the back row.

4 JUROR: 115, Goryl, military court-martial,
5 for the defense, as a character witness for one of
6 my troops, about 10 years ago.

7 THE COURT: Is there anything about that,
8 would in any way affect you, if you were called upon
9 to serve?

10 JUROR: No.

11 THE COURT: Ladies and gentlemen, as you
12 know, we have state, federal and local governments
13 and all have, under some name or designation, law
14 enforcement officers who serve the particular
15 governmental unit in enforcing the law.

16 Have you ever been involved as a law
17 enforcement person for any governmental agency, be
18 it state, local or federal? If so, would you raise
19 your hand. I see one hand. Yes, sir.

20 JUROR: Number 115.

21 THE COURT: Yes, sir.

22 JUROR: I am a retired from the Air Force
23 Security Police. Most of my time was with special
24 operations troops, never did any law enforcement
25 duties per se.

1 THE COURT: Does any member of this panel
2 have any family member who is presently employed in
3 law enforcement? Okay.

4 JUROR: Otto Lange, 171.

5 THE COURT: Mr. Lange.

6 JUROR: I have a cousin, female, I think is
7 still in the police department, either one or the
8 other or both of them, one female and one male.

9 THE COURT: That's with the Philadelphia
10 Police?

11 JUROR: Yes.

12 THE COURT: Do you have occasion to discuss
13 with the persons, their law enforcement duties and
14 experiences?

15 JUROR: No.

16 THE COURT: Would the fact that there is a
17 relative associated with law enforcement have any
18 affect upon you, if you were called upon to serve?

19 JUROR: No.

20 THE COURT: Thank you.

21 JUROR: Number 66, Dominic Daulerio. I
22 have two cousins on the Philadelphia Police
23 Department and my sister is a secretary for a police
24 department in New Jersey.

25 THE COURT: Are these persons that you have

1 occasion to see often and discuss their police
2 work?

3 JUROR: We don't discuss it.

4 THE COURT: Would the fact that you have
5 these cousins on the Philadelphia Police Department
6 have any affect upon you?

7 JUROR: No.

8 THE COURT: Thank you.

9 I see on the second row, juror seated
10 number one.

11 JUROR: Deanne Stewart, number 308. I have
12 a brother-in-law who is a police officer for the
13 18th District.

14 THE COURT: You have a brother-in-law, who
15 is a police officer where?

16 JUROR: The 18th District.

17 THE COURT: Do you have occasion to talk to
18 your brother-in-law very often about his duties as a
19 police officer and so forth?

20 JUROR: No, sir.

21 THE COURT: Would the fact he is on the
22 police department, have any affect upon you, if you
23 were called upon to serve?

24 JUROR: No, sir.

25 THE COURT: Thank you.

1 And now we are going to the last row and
2 the juror seated second in the last row.

3 JUROR: Number 65, Brian Dalton.

4 THE COURT: Who do you know in the police
5 department?

6 JUROR: My father is a lieutenant in Bucks
7 County Sheriff's Department.

8 THE COURT: You live at home with your
9 father?.

10 JUROR: Yes.

11 THE COURT: Do you talk to him very often
12 about his duties as a law enforcement officer?

13 JUROR: Yes.

14 THE COURT: You do.

15 Would the fact that your father is a law
16 enforcement officer have any affect upon you if you
17 were called upon to serve?

18 JUROR: Yes.

19 THE COURT: Very well. Thank you.

20 Yes, sir.

21 JUROR: Number 80, Frank Du Bree. I have a
22 nephew who's a secret serviceman.

23 THE COURT: Is he stationed locally?

24 JUROR: Pardon me?

25 THE COURT: Is he stationed in this area?

1 JUROR: Yes, sir, at times.

2 THE COURT: Do you think the fact that you
3 have this nephew, who is in the secret service, that
4 fact would have any affect upon you?

5 JUROR: No, sir.

6 THE COURT: Thank you.

7 The juror seated.

8 JUROR: Number 37, Colleen McCafferty. My
9 brother-in-law is a policeman on the Haverford
10 Police Department.

11 THE COURT: Do you have an opportunity to
12 see your brother-in-law and discuss his police work?

13 JUROR: Yes, sir.

14 THE COURT: You do. Is that on a pretty
15 regular basis?

16 JUROR: Yes, sir.

17 THE COURT: Do you think that would have
18 any affect upon you, if you were called upon to
19 serve?

20 JUROR: I don't think so. I was going to
21 be asked to be excused anyway because I have an
22 eight month old baby I'm still nursing.

23 THE COURT: Okay. That does not mean you
24 are excused, but it is something for us to consider.

25 We will consider that fact. Thank you.

1 Have any of you, at any time in your life
2 been charged with any criminal conduct? And would
3 you kindly raise your hand.

4 There are no hands and the answer is
5 recorded as no.

6 Has any close family member been charged
7 with criminal conduct, if so, would you raise your
8 hand.

9 I note juror number 301.

10 If you prefer I can ask you about that at
11 sidebar.

12 JUROR: Number 171. May I discuss that
13 question at sidebar?

14 THE COURT: Okay.

15 Anyone else on the first row?

16 On the second. Miss Stewart.

17 JUROR: Yes.

18 THE COURT: Do you want to talk about it
19 here or at sidebar?

20 JUROR: Deanne Stewart, 308. I have a
21 sister serving time in Munciey Prison.

22 THE COURT: Would the fact of your sister
23 had this experience and is now incarcerated in
24 Munciey, affect you in any way if you were called
25 upon to serve on this jury?

1 JUROR: No, sir.

2 THE COURT: Do you think you can decide this
3 case solely on the evidence presented here and my
4 instructions to you?

5 JUROR: Yes, sir.

6 THE COURT: Let's see, anyone else? I
7 think we are going to juror 40.

8 JUROR: Number 37.

9 THE COURT: Seated 40, juror 37.

10 JUROR: My brother-in-law, another one, he
11 had a restraining order and he was jailed because of
12 it.

13 THE COURT: Did you say another one?

14 JUROR: A different one.

15 THE COURT: The one different than the
16 police officer?

17 JUROR: Yes.

18 THE COURT: Would the fact that now you
19 have this -- you have a brother-in-law, who has
20 been apparently physically restrained because of a
21 violation of a restraining order, would that have
22 any impact upon you or would you be able to decide
23 this case solely on the evidence here?

24 JUROR: Yes, sir.

25 THE COURT: Thank you.

1 Any other -- does any member of this panel
2 have any dispute, either full fledged lawsuit or
3 before an administrative agency or a claim pending
4 for or against you, which has been brought or which
5 involves the federal government? Any tax claims,
6 suits by the federal government to collect
7 anything?

8 Any type of claim against you by the
9 federal government? If so, would you raise your
10 hand.

11 Do any of you have claims against the
12 federal government in any respect and if so, would
13 you raise your hand?

14 Now, I have mentioned to you, that
15 defendants are charged with criminal conduct arising
16 out of a particular incident.

17 During the course of the trial, I will have
18 occasion to tell you, that the indictment against --
19 which charges these defendants with crime is not in
20 itself evidence of any criminal activity. It is
21 simply the government's way of notifying a person of
22 the charges against the particular person and that
23 it is not evidence, merely because they have been
24 charged, that is not evidence that they committed
25 any offense.

1 Is there any juror who would not be able to
2 abide by such an instruction? If so, would you raise
3 your hand.

4 I see no hands and the answer is recorded
5 as no.

6 After indictment, at trial, the burden is
7 on the government to prove a defendant guilty of an
8 offense charged and to do so beyond a reasonable
9 doubt, to prove his guilt as to each essential
10 element of the offense charged beyond a reasonable
11 doubt.

12 So that a defendant in a criminal case,
13 need not produce any evidence and it is the
14 government's burden to prove him guilty and not the
15 burden of the defendant to prove his innocence.

16 Is there any member of the panel that
17 disagrees with that legal statement or could not
18 follow such a statement? If so, would you kindly
19 raise your hand.

20 THE COURT: Now, during the course of this
21 trial, you will probably hear testimony of alleged
22 drug dealing. Since there will be some evidence
23 concerning narcotics or drugs, I ask whether any
24 member of this panel has personally experienced any
25 problems with the use of substances which - - with

1 the illegal use of controlled substances or drugs,
2 if you had any problem either by using them or in
3 any way being in contact with them, would you kindly
4 raise your hand.

5 Within your immediate family structure, is
6 there any person in your family, who has a problem
7 with drugs, if so, would you raise your hand.

8 THE COURT: All right. Juror number 301.

9 I believe juror number 37. And I can
10 inquire of you at sidebar later on if we need to
11 unless -- I see another juror.

12 JUROR: 325.

13 THE COURT: That is Mr. Watson.

14 Anyone else?

15 Just as an aside from jury selection
16 problems, but just a logistical problem. I know
17 that some of you may have come in today from out of
18 town and I just want to inquire whether any of you
19 have any urgent transportation problems, scheduling
20 or so forth, if so, would you raise your hand?

21 We seem to be all right.

22 Do any of you know of any reason why a
23 person in your circumstance, with your frame of
24 mind, why you should not, with whatever frame of
25 mind you have, do you know of any reason why you

1 should not serve on this jury? If so, would you
2 raise your hand.

3 There's one.

4 JUROR: Otto Lange, 171, at sidebar.

5 THE COURT: You would like to tell me at
6 sidebar, I'll honor that, Mr. Lange.

7 I think I saw a couple of other hands.

8 JUROR: Keeler, Fred Keeler, number 157. I
9 would like to talk at sidebar.

10 THE COURT: Okay.

11 Yes, sir.

12 JUROR: 126, James Hammerman.

13 THE COURT: Mr. Hammerman, you wish to
14 disclose it or talk at sidebar about it?

15 JUROR: I would say what I saw in the
16 newspaper accounts --

17 THE COURT: Okay, let's not because you
18 have fellow jurors that may not know what you read.
19 Based on what you read you think you shouldn't
20 serve?

21 JUROR: I have questions about it.

22 THE COURT: I got to the jurors in the
23 first row.

24 JUROR: Juror 104, Jo Lund Galligan.
25 Sidebar, please.

1 THE COURT: Okay. Pardon me. Why is it
2 that you think you should not serve or --

3 JUROR: Sidebar.

4 THE COURT: All right.

5 There are other hands and I see Miss
6 Stewart, I believe, is it?

7 JUROR: Yes.

8 THE COURT: You believe you should not
9 serve?

10 JUROR: Yes.

11 THE COURT: Let's see, maybe I will ask you
12 to stand, I'll have a better chance to identify all
13 of you.

14 If you would stand in addition to raise
15 your hand, you stand.

16 That's fine. I'll go in the first row.

17 JUROR: Juror 141, Roswitha Hoenisch. I
18 believe before, you told me you would call me to the
19 sidebar later. It is about the same thing.

20 THE COURT: Fine.

21 JUROR: Juror 77, Mary Donahue. I feel it
22 probably will be a long trial and it would be very
23 inconvenient to my employer.

24 THE COURT: Okay. We will take that into
25 consideration.

1 I don't know whether it will be a long
2 trial or not. I'm always optimistic that it will be
3 a matter of days. The lawyers are always
4 pessimistic, it is a matter of weeks but I suspect
5 it will probably extend into next week and maybe
6 consume all of next week. It may be a little longer
7 or a little shorter, I don't know.

8 I know that you are concerned and we will
9 see if we can honor that.

10 Having heard --

11 JUROR: Juror 227, Dave Nudge.

12 I have a Florida vacation scheduled with my
13 children on September 30th, to begin on September
14 30th.

15 THE COURT: Do you think we may turn you
16 down but not the children?

17 JUROR: I don't know.

18 THE COURT: It is something to be
19 considered and we will consider it.

20 And Miss Snyder.

21 JUROR: In my employment, I'm responsible
22 for making wage payments to individuals and they
23 would not be getting any payments during the time I
24 would be here. There's nobody else to do that for
25 me. It might be a hardship for them.

1 THE COURT: Thank you. Let's see where we
2 are. Going back to the second row. I'll come back
3 to Mr. Sunshine.

4 JUROR: Yes, your Honor. Two factors. My
5 current knowledge of the case as well as my
6 involvement with the Department of Corrections,
7 would make it difficult for me to be as impartial as
8 I feel one should be.

9 THE COURT: All right. Thank you.

10 Ma'am, may ask your number?

11 JUROR: I believe it is 72.

12 THE COURT: Is it Elizabeth Derham.

13 That's juror number 71.

14 You believe for some reason that a person
15 in your state of mind should not serve?

16 JUROR: I have some priorities this week to
17 make it difficult for me to continue on the case.

18 THE COURT: We will probably inquire
19 further of you.

20 THE COURT: What's your number again?

21 JUROR: 313, Eleanor Tarbox.

22 Pure selfishness. I have nonrefundable
23 tickets to go to Salt Lake City to see my daughter
24 for her birthday, and an unknown grandchild, the
25 28th of September.

1 THE COURT: The grandchild was just
2 recently born?

3 JUROR: No, but I still haven't seen him.
4 He is two years old, if you call that recent.

5 THE COURT: I'm taking all of this
6 information. I don't know that we can honor all of
7 these requests or not. But, it is amazing how jury
8 selection works out in the final analysis, so when
9 we put all the information in, hopefully those of
10 you who have these problems, we will be able to
11 consider them.

12 JUROR: 134, I would like to say I'm a
13 night time employee and usually I'm sleeping at this
14 time of the day. I'm not positive my attention span
15 will be what it should be.

16 THE COURT: So, when you work in the
17 evenings, you would work that shift. You mean having
18 missed sleep at night, you are not sure?

19 JUROR: I probably won't be working while
20 this is going on but I'm not positive I wouldn't
21 have to.

22 THE COURT: All right. We will take it
23 into consideration.

24 THE COURT: Mrs. Roll, is it?

25 JUROR: I would like to see you at sidebar.

1 THE COURT: Okay. There are certain things
2 in the way of instruction that the jurors will be
3 given from time to time. One is that the law does
4 not provide for any greater credibility to a person
5 because of his or her position or status in life.

6 So that if a witness is called and that
7 witness is a doctor or a lawyer or a police officer
8 or an accountant, whatever position in life they may
9 be, jurors are not to credit that person's testimony
10 merely because of the position that he or she holds
11 and that is particularly true as it relates to
12 witnesses who are called in cases. We give no
13 greater credibility to those who are called by the
14 government or connected to the government in some
15 way than we do to any other witness.

16 Jurors are asked to ascertain and determine
17 credibility on the basis of the evidence that they
18 hear from the witness and the believability of the
19 witness and not based upon the job or position that
20 the witness holds.

21 Is there anyone that believes that a
22 witness associated with the government should
23 receive -- should be accorded greater believability
24 than one not associated with the government? If so,
25 would you kindly raise your hand.

1 Is there any person here that believes that
2 a witness who is called or identified to some extent
3 with defendants, should be accorded greater
4 credibility than other witnesses just because of
5 their -- the fact that they are identified with the
6 defense? If so, would you raise your hand.

7 There are no hands to either question and
8 the answer is no.

9 You should not be influenced by religion or
10 race or color or sex or ethnic background of a
11 witness in considering the credibility or the
12 believability of a witness' testimony.

13 Is there any member of this panel that
14 believes that for some reason, factors such as
15 religion, color, sex or ethnic background would
16 affect your determining the believability or the
17 credibility of a witness? If so, would you raise
18 your hand.

19 There are no hands and the answer is
20 recorded as no.

21 Witnesses will be called to the witness box
22 or testify from the witness stand here. We have an
23 amplification system in court and we suspect that
24 generally, and we will strive in all cases to have
25 the witness speak in a loud enough voice so you can

1 hear the witness.

2 However, is there any juror that believes
3 that because of a hearing problem, you would not be
4 able to follow the evidence as it is presented in
5 court? If so, would you raise your hand?

6 Do you know of any type of physical or
7 mental or emotional difficulty or disability that
8 you have, that would make it difficult for you to
9 pay attention to and follow the evidence as it is
10 presented here in open court? If so, would you raise
11 your hand. There are two hands.

12 Yes, sir.

13 JUROR: Number 66, Dominic Daulerio. I'll
14 talk to you at sidebar.

15 JUROR: Number 104, Jo Lund Galligan, if I
16 can please talk to you at sidebar.

17 THE COURT: All right.

18 Counsel, do you know of anything else you
19 wish me to ask now, other than perhaps to fill out
20 the --

21 JUROR: Number 37, about the baby.

22 THE COURT: You told us before that would
23 be an inconvenience because of your young child.

24 JUROR: Yes.

25 THE COURT: Looking at your list, is there

1 anything specific?

2 MR. ROGERS: May we approach you at
3 sidebar?

4 (Discussion at sidebar, on the record as
5 follows:)

6 MISS LEFEBER: Defendant, Melvin Williams
7 requested questions on voir dire. I would ask your
8 Honor ask -- I have two 14s. Number 13 and the
9 first 14 regarding the attempt to kill FBI agents.

10 THE COURT: I will ask that.

11 MISS LEFEBER: Thank you, your Honor.

12 THE COURT: I'll give it back to you.

13 13 and 14.

14 MR. BROOKS: As to Mr. Jackson, number 27
15 concerns confidential informants.

16 THE COURT: I don't know whether I would
17 instruct the jury on that or not. I don't know the
18 factors of this confidential informant, whether he
19 is just a person that got caught and is testifying.

20 MR. ROGERS: He is paid, the government
21 will not challenge that, as a matter of fact, that's
22 the information that they are giving us now, more
23 and more each day.

24 THE COURT: I say, all of you have been
25 involved in investigations and I have been, when

1 people say --

2 MR. BROOKS: It is not a victim of
3 circumstances, it is the way, the thing comes about
4 him giving the FBI information.

5 THE COURT: He can verify the shooting?

6 MR. BROOKS: It sets the whole thing in
7 motion.

8 THE COURT: I say, whatever information, if
9 there wasn't a shooting, we wouldn't be here
10 probably on this charge.

11 MR. PICHINI: Your Honor, we asked
12 something of a variant of that question, almost like
13 the same number with respect to the -- trying to
14 determine whether there would be any juror
15 prejudiced as a result of the government paying
16 information.

17 THE COURT: I don't mind giving it. I'm
18 just saying I don't want to start characterizing
19 witnesses and then someone comes and says the judge
20 characterized him so and so, and there is no
21 evidence to support that when selecting a jury. I
22 don't know who these witnesses are. I don't want to
23 characterize them. Police officers generally, FBI
24 officers, but this particular witness, if both sides
25 want me to characterize him, I would characterize

1 him and give your number 27.

2 MR. PICHINI: Even with that, there's
3 almost an additional question, which is number 28,
4 that goes to the question of the government, the
5 convicted felon, if they have any bias or prejudice.

6 THE COURT: I don't know. As I say, I
7 don't know the facts of whether these are convicted
8 felons or what they are.

9 MR. PICHINI: He is a convicted felon.

10 THE COURT: I take it he is.

11 MR. ROGERS: Several times.

12 THE COURT: I will give that instruction.

13 MR. PICHINI: The only other question the
14 government has, you asked the panel about conflicts
15 with the federal government. There will also be a
16 number of Philadelphia Police Officers, we would ask
17 a similar question be asked with respect to
18 Philadelphia Police Officers.

19 MR. ROGERS: We would be concerned that
20 there may be parties who believe the testimony of
21 the police officer because he is a police officer or
22 just because he is an FBI agent. I know you covered
23 it generally, you had it about several other
24 things. We are concerned, two other FBI agents were
25 shot here, we want be sure they just won't believe

1 the testimony of an FBI agent.

2 THE COURT: You can ask it. I asked it.
3 You can ask it individually or to the panel as a
4 whole. What do you want?

5 MR. ROGERS: To the panel as a whole.

6 THE COURT: All right, no problem.

7 Anyone else?

8 What I thought we would probably do, we
9 have a number of jurors to hear at sidebar, rather
10 than have them come up to sidebar, I was going to
11 probably reach a point where the jurors who did not
12 ask for sidebars and who we do not have to see, and
13 didn't ask for sidebar, to excuse them for the
14 evening, have them report back to the same seat in
15 the morning. For those that we have to do sidebars
16 on, to do them, we can do them in open court and I
17 can put the other jurors in the ante area and call
18 them in one at a time. It gets pretty difficult
19 doing a number of witnesses here.

20 MR. ROGERS: I take it, we will go beyond
21 the 5 o'clock hour?

22 THE COURT: I hope not.

23 MR. ROGERS: I have an appointment that is
24 coming from out of town, to be in my office at 5
25 o'clock. When I say out of town, not a long

1 distance. If I can keep them from coming, let me do
2 this. I didn't mean a witness, someone working on a
3 case is what I meant to say.

4 THE COURT: Why don't I, at 9:30 in the
5 morning.

6 MR. ROGERS: This is somebody providing
7 some -- he is doing work product, put it that way,
8 for the defense.

9 THE COURT: I'll ask the rest of these
10 questions, as best I can, permit you to ask that
11 question that you want to ask of the panel generally
12 and recess until tomorrow morning. And, have the
13 jurors who we are going to see at sidebar, we know
14 we will see at sidebar come in at 9:30, have the
15 other jurors not come into the courtroom until
16 admitted, and tell them to report at 10. Then we
17 can hear the ones at sidebar.

18 MR. PICHINI: Your Honor, there is one
19 question that I actually had an affirmative answer
20 to, I notice it is one of the last ones that we
21 submitted, that's whether any people have either
22 religious or other beliefs that prohibit them from
23 rendering an opinion, they feel they can't render an
24 opinion or pass judgment. I don't know if you think
25 it was covered by the frame of mind question.

1 THE COURT: I asked it specifically about
2 race or religion.

3 MR. PICHINI: I thought it was with respect
4 to the issue of prejudice. This would be my
5 question, philosophies or religious beliefs, it is
6 passing judgment on another individual, number, some
7 form of 37, your Honor.

8 THE COURT: All right. I'm easy.

9 MR. PICHINI: Thank you, sir.

10 MR. ROGERS: Thank you.

11 (In open court)

12 THE COURT: Ladies and gentlemen, I would
13 ask, does the fact that this case involves alleged
14 possession of guns and firearms offend you in such a
15 way, that it would prevent you from rendering a fair
16 verdict, based solely upon the evidence presented at
17 trial?

18 Do you have any feelings about guns and
19 firearms that would prevent you from being fair to
20 the defendants in this case?

21 If your answer to that question revolves
22 about your feelings of guns and firearms and whether
23 any feelings that you have would prevent you from
24 being fair to the defendants in this case; if your
25 answer is yes, would you kindly raise your hand.

1 Would you just state your number and name.

2 Stand and state your name and number.

3 JUROR: Roswitha Hoenisch, 141.

4 JUROR: Fred Keeler, 157.

5 THE COURT: What is it?

6 JUROR: 157.

7 JUROR: Venice Roll, 264.

8 THE COURT: Does the fact that this case
9 involves an alleged attempt to kill FBI agents
10 offend you in such a way, that it would prevent you
11 from rendering a fair verdict based solely upon the
12 evidence presented at trial?

13 Do you have any feelings about violence
14 which would prevent you from being fair to the
15 defendants in this case?

16 There will be a charge which revolves
17 around an alleged attempt to kill FBI agents, one of
18 the charges.

19 Would anything about that type of charge
20 prevent you from rendering a fair verdict based
21 solely upon the evidence presented at trial. If so,
22 would you raise your hand.

23 All right, if you just stand and give us
24 your numbers.

25 JUROR: Roswitha Hoenisch, 141.

1 JUROR: Deanna Stewart, 308.

2 JUROR: Fred Keeler, 157.

3 JUROR: 126, James Hammerman.

4 JUROR: 311, Robert Sunshine.

5 JUROR: 65, Brian Dalton.

6 JUROR: 57, Dale Conicella.

7 JUROR: 264, Venice Roll.

8 THE COURT: It is anticipated that the
9 government will present testimony of paid
10 confidential informants and of alleged accomplices
11 of the defendants.

12 This type of evidence, while legally
13 admissible should be subjected to the highest amount
14 of scrutiny by a jury.

15 Is there anyone that can not follow an
16 instruction concerning the scrutiny to be given to
17 the testimony of that type of paid confidential
18 informant or accomplice?

19 If you could not follow an instruction that
20 you are to scrutinize carefully the testimony of
21 such a witness, would you kindly raise your hand.

22 No hands. The answer is recorded as no.

23 Is there anyone on the panel, who would be
24 offended or feel it improper for the government to
25 use the testimony of paid informants or accomplices

1 of defendants. If you feel it is improper for the
2 government to use that testimony, would you kindly
3 raise your hand.

4 There are no hands and it is recorded as
5 no.

6 Do you have any opinions, religious
7 beliefs, philosophies or prejudices, that would
8 prevent you from being a fair and impartial juror in
9 this case or that would make you unable to come to a
10 verdict in this case? For example, do you believe
11 that no person should ever be judged or convicted?

12 For example, do you believe that a person
13 is guilty just because he is here in court?

14 Do you have any types of basic beliefs,
15 opinions, philosophies, that would prevent you from
16 being a fair juror?

17 There are no hands and the answer is
18 recorded as no.

19 Counsel, do you have any other requests?

20 MR. ROGERS: Yes, I do, your Honor.

21 THE COURT: Which one?

22 There was the question I told you that you
23 could restate.

24 MR. ROGERS: Yes.

25 THE COURT: Go right ahead.

1 MR. ROGERS: If there was any conflict in
2 testimony between an FBI agent or other law
3 enforcement officer on the one hand and a civilian
4 witness on the other hand, is there any among you
5 who would give more weight to the testimony of the
6 FBI agent or other law enforcement officer merely
7 because he was engaged as a law enforcement officer
8 or as an FBI agent?

9 THE COURT: There are some hands. Let me
10 see. Which question -- okay, what's your number,
11 sir?

12 JUROR: Number 157.

13 JUROR: Number 334.

14 JUROR: 57.

15 JUROR: 77.

16 THE COURT: There are no other hands.
17 Thank you.

18 MR. ROGERS: Your Honor, there is a short
19 second part to that question.

20 THE COURT: Go right ahead.

21 MR. ROGERS: Thank you. Would any among
22 you give less weight to the testimony of an FBI
23 agent or law enforcement officer for any reason?

24 (No response.)

25 THE COURT: Very well.

1 MR. ROGERS: Thank you, your Honor.

2 (Discussion at sidebar, on the record as
3 follows:)

4 THE COURT: Counsel, why don't you look at
5 your sheets and starting with the jurors as they are
6 seated, if you believe or if you desire to see a
7 juror separately and to interrogate a juror
8 separately, you can so advise and I'll just run down
9 the list. Juror 301, Snyder.

10 MISS LEFEBER: Incidentally, she made that
11 request.

12 THE COURT: So, that juror number 66,
13 Toletio, has requested a -- Daulerio requested a
14 sidebar?

15 MISS LEFEBER: Yes.

16 THE COURT: Juror 171, Lange.

17 MISS LEFEBER: The same, your Honor.

18 THE COURT: The juror who has a Florida
19 vacation but not requested a sidebar. We know he
20 has a Florida vacation starting September 30th.

21 Juror number 27 has not requested --
22 Counsel wishes one, please state.

23 Juror number 245, not requested, juror
24 number 185 has not requested. Juror number 32 has
25 not requested. Juror number 263 has not requested,

1 juror number 175 has not requested. Juror number 12
2 has not requested. Juror number 141 desires a
3 sidebar. Juror number 77 has told us of the
4 inconvenience in serving but not requested a
5 sidebar. Juror number 212 has not requested. Juror
6 number 104 has requested.

7 MISS LEFEBER: Your Honor, if I may
8 interrupt. I believe 77 has requested a sidebar.

9 MR. PICHINI: She answered positively, your
10 Honor to the question that Mr. Rogers asked about
11 the FBI agent.

12 THE COURT: Very well.

13 Juror number 212 has not. Juror 104 has
14 requested. Juror number 308 I believe is a
15 sidebar. Juror number 313 I believe is a sidebar.
16 Juror number 325 is a sidebar. Juror number 157 is
17 a sidebar. Juror number 126, I believe is.

18 MISS LEFEBER: Yes, your Honor.

19 THE COURT: Juror number 311, I believe is.

20 MISS LEFEBER: Yes.

21 THE COURT: Juror 178 and 34 have not
22 requested. Juror 290 has not requested. Juror 114
23 has not requested. Juror 65.

24 MISS LEFEBER: Yes.

25 THE COURT: Yes.

1 THE COURT: Juror number 357.

2 MISS LEFEBER: I believe so, yes, your
3 Honor.

4 THE COURT: Yes.

5 MR. BROOKS: Yes.

6 THE COURT: Once again, I haven't factored
7 in the other.

8 Juror number 71?

9 MISS LEFEBER: Yes, your Honor.

10 THE COURT: All right. Juror number 80.

11 Juror 115 has not. Juror number 272 has
12 not. Juror number 334 has not.

13 MISS LEFEBER: Yes, sir.

14 MR. BROOKS: Yes.

15 THE COURT: All right. Juror number 37,
16 yes.

17 Now other than the ones identified, do you
18 have any addition? The only question is what time
19 will we come in tomorrow.

20 MISS LEFEBER: Your Honor, has 264, next to
21 last, 264.

22 You have 334, 264 and 37.

23 THE COURT: 264, 37 and one other number.

24 MISS LEFEBER: 264, the last page.

25 MR. BROOKS: Do you have 66 and 104?

1 THE COURT: 66, I know that. I have 104,
2 yes.

3 (In open Court.)

4 THE COURT: Members of the jury --

5 MR. PICHINI: Excuse me, your Honor, there
6 is one matter, maybe we should discuss at sidebar.

7 (Discussion at sidebar, on the record as
8 follows:)

9 MR. PICHINI: Your Honor, ironic enough,
10 juror 175, Levinthal, he is the individual that
11 knows Miss Lefebber, he doesn't know me but I know
12 his brother. His brother is my next store neighbor.

13 MISS LEFEBBER: We are even.

14 MR. PICHINI: I wanted to convey that and
15 place it in the record. He lives in Ardmore, he may
16 be in contact with his brother, during the trial.
17 We are neighbors. I'm a neighbor, his brother is my
18 next store neighbor.

19 THE COURT: I don't care.

20 MISS LEFEBBER: I have no problem with it,
21 if you have no problem with me.

22 You disclosed, you did what you wanted to
23 do.

24 THE COURT: Let me say this, what I'll tell
25 the jurors I identified to be here at 9:30, I

1 suspect that it will take us longer than an hour.
2 What I think we may do, so the others don't have to
3 mill about the hall, have them come in at say 10:15,
4 and tomorrow morning, in the jury room here, we can
5 conduct the sidebars in this jury room so that the
6 jurors can come in here to sit down and we will
7 conduct the sidebar in there with the defendants
8 present.

9 MR. BROOKS: I always wanted to see what
10 the jury room looked like.

11 THE COURT: You will be disappointed. We
12 have no windows, no pictures. It is reach a
13 verdict, reach a verdict. You will be disappointed
14 what it looks like.

15 Okay.

16 (In open court)

17 THE COURT: The following jurors are to be
18 seated in your place as you are today, tomorrow
19 morning at 9:30. Juror 301, juror number 66, juror
20 number 171, juror number 141, juror number 77, juror
21 number 104, juror number 308, juror number 325,
22 juror number 313, juror number 157, juror number
23 126, juror number 311, juror number 65, juror number
24 57, juror number 71, juror number 334, juror number
25 264 and juror number 37.

1 We will see each of you individually about
2 whatever matter it is that you wish to advise the
3 Court about.

4 All other jurors are to report to this
5 courtroom by 10:15 tomorrow morning. You need not
6 come in at 9:30, be here at 10:15. If your name is
7 on the list, be here at 9:30. We will conduct the
8 individual voir dires.

9 JUROR: I'm sorry, 313. I didn't ask for a
10 sidebar.

11 THE COURT: Okay.

12 You had told us what you wanted us to know,
13 you have a grandchild?

14 JUROR: That's the one.

15 THE COURT: Okay.

16 Did anyone want to see her notwithstanding
17 the fact that she has not personally requested a
18 sidebar?

19 There may be information that makes a
20 sidebar appropriate, even though it is not
21 requested.

22 MISS LEFEBER: No.

23 MR. PICHINI: No, your Honor.

24 THE COURT: You need not come in until
25 10:15.

1 JUROR: Number 65. I didn't ask for a
2 sidebar.

3 MR. BROOKS: We need him.

4 THE COURT: I believe we have some
5 questions to ask you anyway.

6 Anyone else?

7 (No response.)

8 THE COURT: Please do not discuss among
9 yourselves or with anyone else anything that has
10 happened in this room. Please do not, those of you
11 with some knowledge of this case, do not tell it to
12 your fellow jurors.

13 We want you now not to discuss anything
14 about the case until we have a jury, until the Court
15 tells you, you can discuss it.

16 MR. DOSS: I wanted to note that the second
17 juror was away, at the very beginning of your
18 statements. I don't know other jurors told him.

19 THE COURT: Mr. Daulerio, you are to report
20 here at 9:30 in the morning. Please do not discuss
21 the case, it makes it that much more difficult to
22 get jurors that have no knowledge of the case or as
23 little of the case as is possible.

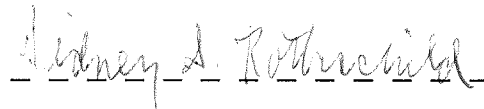
24 We will see you tomorrow morning. We think
25 we will have a jury before noon.

1 Thank you.

2 (Trial adjourned at 4:55 p.m.)

3
4 I, SIDNEY ROTHSCCHILD, being a United States
5 Court Reporter, United States District Court,
6 Eastern District of Pennsylvania, do hereby certify
7 that I was authorized to and did report in shorthand
8 the above and foregoing proceedings, and that
9 thereafter my shorthand notes were transcribed under
10 my supervision, and that the foregoing pages contain
11 a true and correct transcription of my shorthand
12 notes taken therein.

13 Done and signed this 10th day of March,
14 1995, in the City of Philadelphia, County of
15 Philadelphia, State of Pennsylvania.

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SIDNEY S. ROTHSCCHILD

U.S. Court Reporters
United States District Court
Eastern District of Pennsylvania

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